

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**VIRNETX INC. ET AL**

**V.**

**APPLE INC.**

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§

**CASE NO. 6:12-cv-855  
PATENT CASE**

**ORDER SETTING STATUS CONFERENCE**

A Status Conference in this case is set for **June 27, 2013 at 1:30 p.m.** at the William M. Steger Federal Building and Courthouse, 211 West Ferguson, 3<sup>rd</sup> Floor, Judge Leonard Davis's Court, Tyler, Texas. The parties are required to attend the conference **unless** the parties submit a Notice of Agreement and attach their agreed Docket Control Order and Discovery Order taken from the undersigned's website (located under the heading, "Sample Forms") no later than 9:00 a.m. three days prior to the above date. The parties shall also submit an agreed order related to the discovery and production of electronically stored information (ESI)<sup>1</sup> and a Protective Order.<sup>2</sup>

The parties may submit disputes concerning the Discovery Order, Docket Control Order, and any issues related to ESI and/or Protective Order without appearing at the conference as long as the parties submit a Notice of Dispute Regarding Discovery Order, Docket Control Order, and Any Issues Related to ESI and/or Protective Order and attach the disputed Order to include the parties' respective proposals in brackets where differences exist. This notice is due by 9:00 a.m. three days prior to the date of the conference. After the Court rules on the disputes set out by the parties, the parties will be given a new deadline to submit the document incorporating the Court's rulings.

If, however, the parties consent to a Magistrate Judge, they shall file the consent form provided by the Clerk's Office by the deadline indicated above. After the filing of the consent

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<sup>1</sup> The parties may refer to Appendix P of the Local Rules (Model Order Regarding E-Discovery in Patent Cases) as a starting point.

<sup>2</sup> The parties may refer to the Court's website for a sample protective order for patent cases.

form, the Magistrate Judge's office will direct you in filing the appropriate Docket Control Order for him/her.

Should the parties prefer to attend a scheduling/status conference, the parties are to confer and submit as a reference point for the discussion any disputes concerning the Discovery Order, Docket Control Order, ESI, and the Protective Order no later than 9:00 a.m. two days prior to the conference. In their submission(s) to the Court, the parties shall also indicate the preference to hold such a conference.

The following dates and/or information shall be incorporated into the Docket Control Order:

Markman	May 8, 2014 at 9:00 a.m.
Pre-Trial Conference	September 24, 2015 at 9:00 a.m.
Jury Selection	October 5, 2015 at 9:00 a.m.
Jury Trial	October 13, 2015 at 9:00 a.m.
Agreed Mediator <sup>3</sup>	

Further, if Plaintiff intends to file additional related cases, it shall file a notice indicating as such by the same deadline.

**So ORDERED and SIGNED this 16th day of May, 2013.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**

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<sup>3</sup> If the parties cannot agree on a mediator, the Court will appoint one. Requests or Motions for Extension of Time to Agree on a Mediator will not be considered by the Court.